

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00482-ADA

JURY TRIAL DEMANDED

**LETTER OF REQUEST: REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING
OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

GREETINGS:

1. Sender	The Honorable Judge Alan D Albright, District Judge United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue Room 301 Waco, Texas 76701 USA
2. Central Authority of the Requested State	Ministère de la Justice Direction des Affaires Civiles et du Sceau Bureau du droit de l'Union, du droit international privé et de l'entraide civile (BDIP) 13, Place Vendôme 75042 Paris Cedex 01 France
3. Person to whom the executed request is to be returned	This Court; representatives of the parties as indicated below; the witnesses from whom evidence is requested as indicated below; such other person(s) that you deem proper; and Defendants' representative in France: Eric Bouffard Gibson, Dunn & Crutcher LLP

	16 avenue Matignon 75008 Paris France Tel: +33 (0) 1 56 43 13 00 Fax: +33 (0)1 56 43 13 33 Email: EBouffard@gibsondunn.com
4. Specification of the date by which the requesting authority requires receipt of the response to the Letter of Request	June 1, 2021

In conformity with Article 3 of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Convention”), Federal Rule of Civil Procedure 28(b), and 28 U.S.C.A. 1781(b), the undersigned authority respectfully has the honor to submit the following request:

5. a. Requesting Judicial Authority (Article 3, a)	The Honorable Judge Alan D Albright, District Judge United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue Room 301 Waco, Texas 76701 USA
b. To the competent Authority of (Article 3, a)	France
c. Names of the case and any identifying number	<i>WSOU Investments LLC v. Dell Technologies Inc.</i> Case No. 6:20-cv-00482-ADA, United States District Court for the Western District of Texas
6. Names and addresses of the parties and their representative (including representatives in the requested State) (Article 3, b)	
a. Plaintiffs	WSOU Investments LLC

Representatives	<p>WSOU is represented by:</p> <p>Brett Aaron Mangrum Etheridge Law Group 2600 East Southlake Blvd., Suite 120-324 Southlake, TX 76092 469-401-2659 Fax: 817-887-5950 Email: brett@etheridgelaw.com</p> <p>Jeffrey Huang Etheridge Law Group PLLC 2600 East Southlake Blvd Suite 120-324 Southlake, TX 76092 408-797-9059 Fax: 817-887-5950 Email: jhuang@etheridgelaw.com</p> <p>Ryan Scott Loveless Etheridge Law Group PLLC 2600 E Southlake Blvd Suite 120-324 Southlake, TX 76092 972-292-8303 Fax: 817-887-5950 Email: ryan@etheridgelaw.com</p> <p>James L. Etheridge Etheridge Law Group, PLLC 2600 E. Southlake Blvd., Suite 120-324 Southlake, TX 76092 817-470-7249 Fax: 817-887-5950 Email: jim@etheridgelaw.com</p>
b. Defendants	Dell Technologies Inc., Dell Inc., and EMC Corporation (collectively "Defendants")
Representatives	<p>Dell Technologies Inc., Dell Inc., and EMC Corporation are represented by:</p> <p>Shelton Coburn LLP:</p>

	<p>Barry K. Shelton Shelton Coburn LLP 311 RR 620 S Suite 205 Austin, TX 78734-4775 512-263-2165 Fax: 512-263-2166 Email: bshelton@sheltoncoburn.com</p> <p>The Defendant has appointed legal counsel in France to pursue and assist with the commission to take evidence. The details of the Defendant's legal counsel in France are:</p> <p>Eric Bouffard Gibson, Dunn & Crutcher LLP 16 avenue Matignon 75008 Paris France Tel: +33 (0) 1 56 43 13 00 Fax: +33 (0)1 56 43 13 33 Email: EBouffard@gibsondunn.com</p>
c. Other parties	N/A
Representatives	N/A
7. a. Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.) (Article 3, c)	Civil action alleging patent infringement under the patent laws of the United States.
b. Summary of complaint	Discovery sought in this Letter of Request is relevant in Case No. 6:20-cv-00482-ADA: In WSOU's complaint against Defendants, WSOU alleges that Defendants infringe U.S. Patent No. 7,424,020 ("the '020 patent").
c. Summary of defense and counterclaim	In defense against WSOU's claims of patent infringement of the '020 patent, Defendants assert, <i>inter alia</i> , that they do not infringe any of claims of the '020 patent and that the '020 patent is invalid.

	<p>Alcatel-Lucent International has knowledge of the facts relevant to Defendants' defenses. Alcatel-Lucent International is relevant to the action by virtue of being a former assignee of the '020 patent. Alcatel-Lucent International holds critical facts to this case, including facts relevant to a number of defenses raised by Defendants and any potential damages, including information related to the prosecution of the '020 patent; prior uses and/or sales or products and services incorporating the '020 patent, publications related to the concepts claimed in the '020 patent; commercialization, production and/or commercial embodiments related to the '020 patent; the state of the art at the time of the alleged invention and/or filing of the applications related to the '020 patent; the ownership and financial interests in the '020 patent; conception, diligence and/or reduction to practice of the concepts claimed in the '020 patent; and the disclosure of the claimed invention of the asserted patent. As well as licensing of and/or agreements covering the '020 patent. And, financial knowledge including valuation and royalties associated with the '020 patent or any license and/or agreement covering the '020 patent; and other financial interests (including revenue, costs, expenses and profits) as well as financial interests and information related to the '020 patent.</p>
<p>d. Other necessary information or documents</p>	<p>Alcatel-Lucent International's current address is: Route de Villejust Nokia Paris Saclay Nozay, 91620 France</p>
<p>8. a. Evidence to be obtained or other judicial act to be performed (Article 3d),</p>	<p>In order to present its defenses that the '020 patent is not infringed, invalid, and unenforceable and to determine any alleged damages, Defendants seek certain documents from Alcatel-Lucent International. Attached as Exhibit I1 is a request of production of certain documents that Defendants believe are likely to be in the possession, custody, or control of Alcatel-Lucent International.</p>

	To further clarify the evidence sought, attached as Exhibit I2 is an outline of the topics and issues about which counsel for Defendants intend to inquire of Alcatel-Lucent International.
b. Purpose of the evidence or judicial act sought	<p>With respect to the '020 patent, Alcatel-Lucent International has information and knowledge relating to the prosecution of the '020 patent; prior uses and/or sales or products and services incorporating the '020 patent, publications related to the concepts claimed in the '020 patent; commercialization, production and/or commercial embodiments related to the '020 patent; the state of the art at the time of the alleged invention and/or filing of the applications related to the '020 patent; the ownership and financial interests in the '020 patent; conception, diligence and/or reduction to practice of the concepts claimed in the '020 patent; and the disclosure of the claimed invention of the asserted patent. As well as licensing of and/or agreements covering the '020 patent. And, financial knowledge including valuation and royalties associated with the '020 patent or any license and/or agreement covering the '020 patent; and other financial interests (including revenue, costs, expenses and profits) as well as financial interests and information related to the '020 patent.</p> <p>This evidence is directly relevant to Defendants' claims that the '020 patent is not infringed, invalid, and unenforceable and to determine any alleged damages under United States patent law.</p>
9. Identity and address of any person to be examined (Article 3, e)	<p>Alcatel-Lucent International Route de Villejust Nokia Paris Saclay Nozay, 91620 France</p>
10. Questions to be put to the persons to be examined or statement of the subject matter about which they are to be examined (Article 3, f)	<i>See Exhibit I2</i>

11. Documents or other property to be inspected (Article 3, g)	<p><i>See Exhibit I1</i></p>
12. Any requirement that the evidence be given on oath or affirmation and any special form to be used (Article 3, h)	<p>We respectfully request that the testimony be taken under oath.</p>
13. Special methods or procedure to be followed (e.g. oral or in writing, verbatim, transcript or summary, cross-examination, etc.) (Article 3, i) and 9)	<p>This Court respectfully requests that Alcatel-Lucent International be directed to produce the documents identified in attached Exhibit I1.</p> <p>This Court respectfully requests that the Central Authority direct a representative of Alcatel-Lucent International to appear on or before June 1, 2021.</p> <p>This Court respectfully requests that attorneys of the Defendant be permitted to examine and cross-examine a representative of Alcatel-Lucent International, and that the witness be directed to answer such questions, relating to matters outlined in attached Exhibit I2.</p> <p>This Court respectfully requests that the examination be permitted to be conducted in accordance with the Federal Rules of Evidence and the Federal Rules of Civil Procedure to prevail in the event of a conflict.</p> <p>This Court respectfully requests that the examination be (partially) conducted via video conference to allow U.S. counsel to join the hearing.</p> <p>This Court respectfully requests that the testimony be video recorded and also transcribed verbatim.</p> <p>This Court respectfully requests that the testimony be taken in English language if the examined person(s) agree, and that, if need be, simultaneous translation be provided.</p> <p>Costs incurred in relation to the deposition examination (court reporter, video recorder, simultaneous translation) shall be at Defendants' expense.</p>

14. Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified (Article 7)	This Court respectfully requests that you notify this Court; the representatives of the parties as indicated above; the witness from whom evidence is requested as indicated above; and such other person(s) that you deem proper.
15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Article 8)	No judicial personnel of the requesting authority will attend or participate.
16. Specification of privilege or duty to refuse to give evidence under the law of the State of origin (Article 11, b)	Defendants believe that Alcatel-Lucent International does not benefit from any privilege, and does not endorse the assertion of any such privilege or duty.
17. The fees and costs incurred will be borne by	Defendants will bear the reimbursable costs associated with this request in accordance with the provisions of the Hague Convention.

So ORDERED and SIGNED this 9 day of November, 2020.


The Honorable Alan D Albright
U.S. District Court Judge